

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELLIJAH SAM,

Plaintiff,

v.

RENTON SCHOOL DISTRICT,

Defendant.

CASE NO. C21-01363-JHC

ORDER ON REVIEW OF MOTION
FOR RECUSAL

This matter is before the Court on Plaintiff Elijah Sam's Motion to disqualify the Honorable John H. Chun. Dkt. #57. Judge Chun declined to recuse himself and, in accordance with this Court's Local Civil Rules, the matter was referred to the Undersigned for review. Dkt. #65; LCR 3(f).

A judge of the United States shall disqualify himself in any proceeding in which his impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall disqualify themselves in circumstances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the

1 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
2 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
3 such proceeding.” “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United*
4 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
5 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
6 extrajudicial source.”).

7 The Court has reviewed the instant Motion and agrees with Judge Chun’s analysis. At
8 times Plaintiff appears to argue he can receive a new judge simply by filing an affidavit of
9 prejudice. However, in federal court such a request requires satisfying the above standards.
10 Plaintiff states that he is not receiving due process but does not point to any evidence of judicial
11 bias or impartiality. Rather, it appears Plaintiff is frustrated with Judge Chun’s prior rulings, or
12 delays in this case. Such are not sufficient causes for recusal. *See Studley, supra*.

13 Plaintiff has not otherwise demonstrated a reasonable basis to question Judge Chun’s
14 impartiality or to justify recusal. Accordingly, the Court finds and ORDERS that Judge Chun’s
15 Order declining to recuse himself, Dkt. #65, is AFFIRMED.

16 DATED this 2nd day of September, 2022.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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